

BOARD OF ADJUSTMENT STAFF REPORT

SUBJECT: The applicant requests a variance to reduce the minimum setback requirements for a new cellular transmission tower.

SUMMARY: T-Mobile/Sunset Ridge Middle School; 8292 South Skyline Arch Drive; P-F Zone; Variance reducing the 160-foot zone boundary setback for an 80-foot monopole to a 116.5-foot setback; APC Towers/Britton Knaphus (applicant) [Mark Forsythe #21001; parcel 20-34-326-013]

STAFF RECOMMENDATION: Staff recommends that the Board of Adjustment approve the variance for the T-Mobile/Sunset Ridge Middle School cell tower, located at 8292 South Skyline Arch Drive, reducing the 160-foot zone boundary setback for an 80-foot monopole to a 116.5-foot setback.


MOTION RECOMMENDED: “Based on the positive findings set forth in this staff report, I move that the Board of Adjustment approve the variance for the T-Mobile/Sunset Ridge Middle School cell tower, located at 8292 South Skyline Arch Drive, reducing the 160-foot zone boundary setback for an 80-foot monopole to a 116.5-foot setback.”

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Reviewed by:



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Reviewed by:

Jared Tingey
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I. BACKGROUND:

Back in January, the applicant applied for an Administrative Conditional Use Permit to construct a new cell tower on the Sunset Ridge Middle School property, specifically near the corner of the northern drive aisle and 8200 South. In order to alleviate the setback requirements, the applicant proposed a “stealth” tower, which was disguised as a pine tree. Under Section 13-16-4A-4 of the 2009 West Jordan Municipal Code, stealth towers require a minimum setback of 100 feet, instead of the 160 feet required for a typical utilitarian “top hat” design. This reduced setback allowed the tower to be placed in a more convenient, albeit visually prominent, location. However, during staff reviews, the Zoning Administrator made it clear that he would not approve of the tower design or location as proposed. His reasoning was such that the tower was disguised as an 80-foot tall fake pine tree that had no resemblance to the much smaller deciduous trees in the vicinity. One of the criteria for approval requires that the stealth design blend in with the natural surroundings, and the Zoning Administrator determined that this requirement was not met. The other concern was that the tower would be very visually prominent in that specific location, and many of the residents in the area expressed similar sentiments to staff.

In an effort to allow the applicant to propose an alternative solution rather than face outright denial of their Administrative Conditional Use Permit, staff provided them several options:

1. *Change the design of the tower to a “flagpole” design.*
2. *Change the design of the tower to a standard “tophat” cell tower design and move the tower further south to meet the minimum separation requirements, which is 129’ minimum from the street curb along 7800 South (160’ from the zone boundary running through the middle of the public right of way).*
3. *Instead of building a cell tower, install the antennas, RRH units, equipment, etc. on the roof of the school building. Antennas and all associated equipment will need to be screened from all sides with screening walls.*
4. *Replace some or all of the school parking lot lights with light pole microcell antennas.*
5. *Appeal the decision of the Zoning Administrator (presuming he denies the design at the public hearing) to the West Jordan Board of Adjustment. A complete appeal must be filed within the 30 days following the public hearing.*

After further talks between the design team and the Jordan School District, and finding few alternatives, the applicant proposed to locate the tower on the northwest corner of the baseball/soccer fields of the school property. This current proposal doesn’t meet the setback requirements, and therefore would need a variance in order to make this proposal work.

II. GENERAL INFORMATION & ANALYSIS

The subject property's surrounding zoning and land uses are as follows:

	Future Land Use	Zoning	Current Use
North	Medium Density Residential	R-1-8E	Single-Family Residential
South	Medium Density Residential	R-1-8C(ZC) R-1-6C	Single-Family Residential
East	Low Density Residential	P-C	Single-Family Residential
West	Medium Density Residential	R-1-8E	Single-Family Residential

The applicant is proposing to construct a standard utilitarian cell tower, antenna array and fenced equipment compound in the northwest corner of the baseball diamond/soccer fields on the west side of the Sunset Ridge Middle School property. More specifically, the tower will be situated between the pedestrian bridge structure and the baseball diamond fencing. Just to the west of the tower compound will be State Highway U-111 and to the east will be the outlier section of the soccer fields. The total height of the tower will be 80 feet, as permitted by ordinance.

III. FINDINGS OF FACT

13-7G-3: Variance Criteria

Before approving a request for a variance, the Board of Adjustment shall make the following findings:

Criteria 1: *Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title. The board of adjustment shall not find an unreasonable hardship if the hardship is self-imposed or economic. To determine whether or not enforcement of this title would cause unreasonable hardship, the board of adjustment shall not find unreasonable hardship unless the alleged hardship:*

1. Is located on or associated with the property for which the variance is sought; and

2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood;

Discussion: Section 13-16-4A-2 of the West Jordan Municipal Code requires that a standard monopole cell tower be set back from the nearest residential zone boundary or residential structure (whichever is closer) at a distance equal to 2 times the total height of the tower:

13-16-4: MONOPOLES:

A. Location And Setbacks:

2. *Nonresidential Zones: The monopole shall not be located within a distance from an existing residential structure or residential zone, whichever is closer, that is less than two (2) times the total height of the monopole, and shall be calculated as follows:*

a. *The total height of the structure (h) multiplied by 2 (h x 2).*

In the case of the proposed 80-foot tall cell tower, a 160-foot setback from the nearest residential zone boundary would be required. The nearest residential zone boundaries that are closest to the proposed cell tower run through the center of State Highway U-111 and through the center of 8200 South. The width of the U-111 highway right-of-way is 125 feet, which would put the zone boundary at 62.5 feet from the west property line of the school property. The 8200 South right-of-way is 90 feet wide, which would put the zone boundary at 45 feet from the north property line. This means that the cell tower would need to be at least 97.5 feet away from the west property line and 115 feet from the north property line under the existing setback requirements, which would put the tower in the center of the soccer fields. Such a placement would constitute a functional nuisance and would physically impose on any baseball or soccer activities. Moving the fenced compound further to the west would help to alleviate this potential problem. This same problem persists if the tower and compound were to be moved to any other area around the soccer fields because the property is surrounded by residential zones, many of which run contiguously along the property boundary. Any other available area would put the tower and compound too close to the school building or relocatable classrooms, which are highly trafficked areas used by students. Furthermore, the applicant has very little discretion as to where the tower can be placed, because Jordan School District reserves the right to dictate where the tower is placed on their property. Granting the variance to reduce the minimum setback requirements would allow the tower to be placed in an area that is out of the way, partially screened by existing structures and approved by the Jordan School District.

Finding: Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.

Criteria 2: *There are special circumstances attached to the property that do not generally apply to other properties in the same district and relate directly to the hardship complained of:*

Discussion: Most schools throughout West Jordan are located in residential zones, but there are several schools, including Sunset Ridge Middle School, that are located within P-F zones. Many of the other schools within P-F zones, such as Copper Hills High School, the Utah Boys Ranch, and Falcon Ridge Elementary, are laid out in a manner that a cell tower could be placed in a reasonable location that complies with the setback requirements. However, the Sunset Ridge Elementary School was designed with most of its student facilities occupying the center and borders of the property, which makes it nearly impossible to place a cell

tower in a reasonable location that also meets the setback requirements. For instance, most of the eastern half of the property is fully occupied by parking lots, drive aisles, the school building, a religious education building, and relocatable classrooms. The western half is mostly occupied by soccer fields, but the northern portion of this area functions as landscaped passive open space. This area provides a unique opportunity to place a cell tower in a location that is suitable for the public, the school district and the applicant.

Finding: There are special circumstances attached to the property that do not generally apply to other properties in the same district and relate directly to the hardship complained of.

Criteria 3: *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district:*

Discussion: There are currently no cell towers in the surrounding area and this tower is needed to fill a coverage gap at this location. Cell towers are common on school grounds and are almost always placed in out-of-the-way areas that do not interfere with school operations or student activities. The cell tower on the Columbia Elementary School (3505 West 7800 South) property, which is also surrounded by residential zones and is adjacent to a State highway, would be very similar to the proposed location.

Finding: Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Criteria 4: *The variance will not substantially affect the general plan and will not be contrary to the public interest:*

Discussion: The proposed cell tower will be located on a school property that is designated for Public Facilities, as shown on the Future Land Use Map of the General Plan. While it does not address cell towers specifically, the General Plan does encourage the appropriate placement and adequate provision of public utilities, which arguably include cellular transmission towers:

GOAL 2. ENCOURAGE THE LOCATION AND DEVELOPMENT OF PUBLIC FACILITIES AND ASSOCIATED SERVICES TO BEST SERVE THE NEEDS OF THE COMMUNITY.

Policy 5. Public Facilities should be conveniently located to adequately serve the needs of the community.

Policy 6. Prior to the approval of any development, ensure the adequacy of present and future public services such as culinary water, sanitary sewer, storm drains, schools, parks/recreation, public safety, transportation facilities, and other vital utilities.

Concerning mechanical equipment in general, the General Plan encourages screening this equipment from public view:

GOAL 1. PROMOTE AND FOSTER GOOD URBAN DESIGN AT THE COMMUNITY, NEIGHBORHOOD, AND INDIVIDUAL PROJECT LEVELS.

Policy 2. Through the development review and site plan approval processes, require quality developments that improve the livability of the city for its residents.

3. Require that mechanical equipment, parking, and storage areas be screened from public view.

Due to the height needed for adequate coverage, the tower may have a visual effect on the neighboring homes. To minimize this visual impact, the tower will be placed behind a large, 30-foot tall pedestrian bridge, which will provide as much screening as is physically possible for the nearby homes on the north side of 8200 South. The residential areas to the west are on the opposite side of State Highway U-111 and the nearest home will be 375 feet from the cell tower site, which should be sufficient separation to mitigate any prominent visual imposition on that area.

Finding: The variance will not substantially affect the general plan and will not be contrary to the public interest.

Criteria 5: *The spirit of this title is observed and substantial justice done:*

Discussion: The variance will result in reasonable setbacks from residential areas while allowing the applicant to place the tower in a location that is acceptable to the Jordan School District. This solution will also reduce visual impacts on the surrounding residential neighbourhoods by placing the tower behind a large pedestrian bridge that will screen most of the tower and all of the equipment compound from public view. It is staff's finding that this is the most ideal solution to appease the interests and concerns of the applicant, Jordan School District and the neighboring residents.

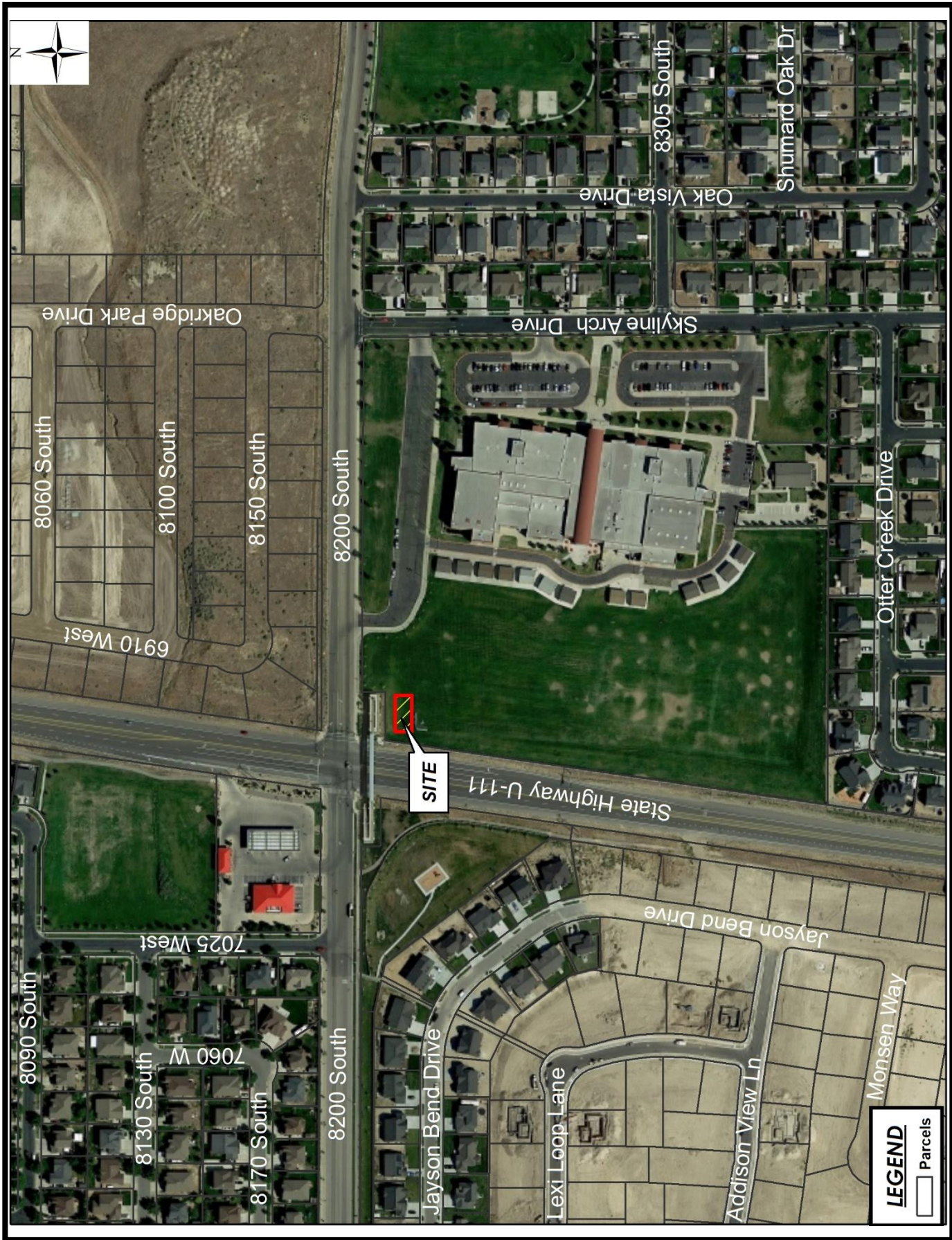
Finding: The spirit of Title 13, Chapter 16 is observed and substantial justice is done.

III. CONCLUSION:

The variance request to reduce the minimum setback of 160 feet to 116.5 feet, concerning an 80-foot tall cell tower on the Sunset Ridge Middle School property, meets the test of hardship and satisfies the criteria for approving a variance as stipulated in Section 13-7G-3 of the West Jordan Municipal Code.

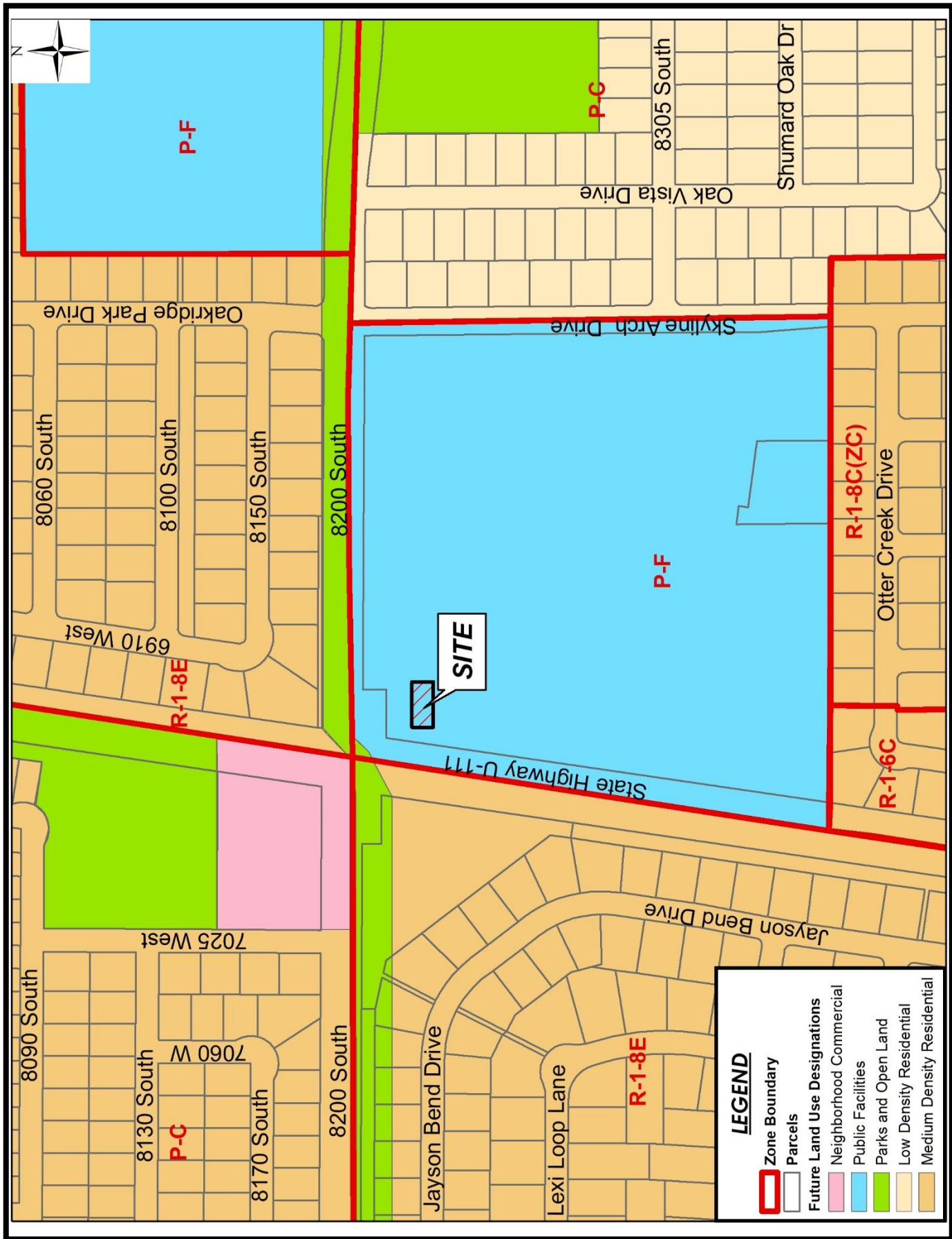
IV. ATTACHMENTS:

Exhibit A – Aerial Map
Exhibit B – Zoning & Future Land Use Map
Exhibit C – Setbacks Map
Exhibit D – Site Plan
Exhibit E – Elevations



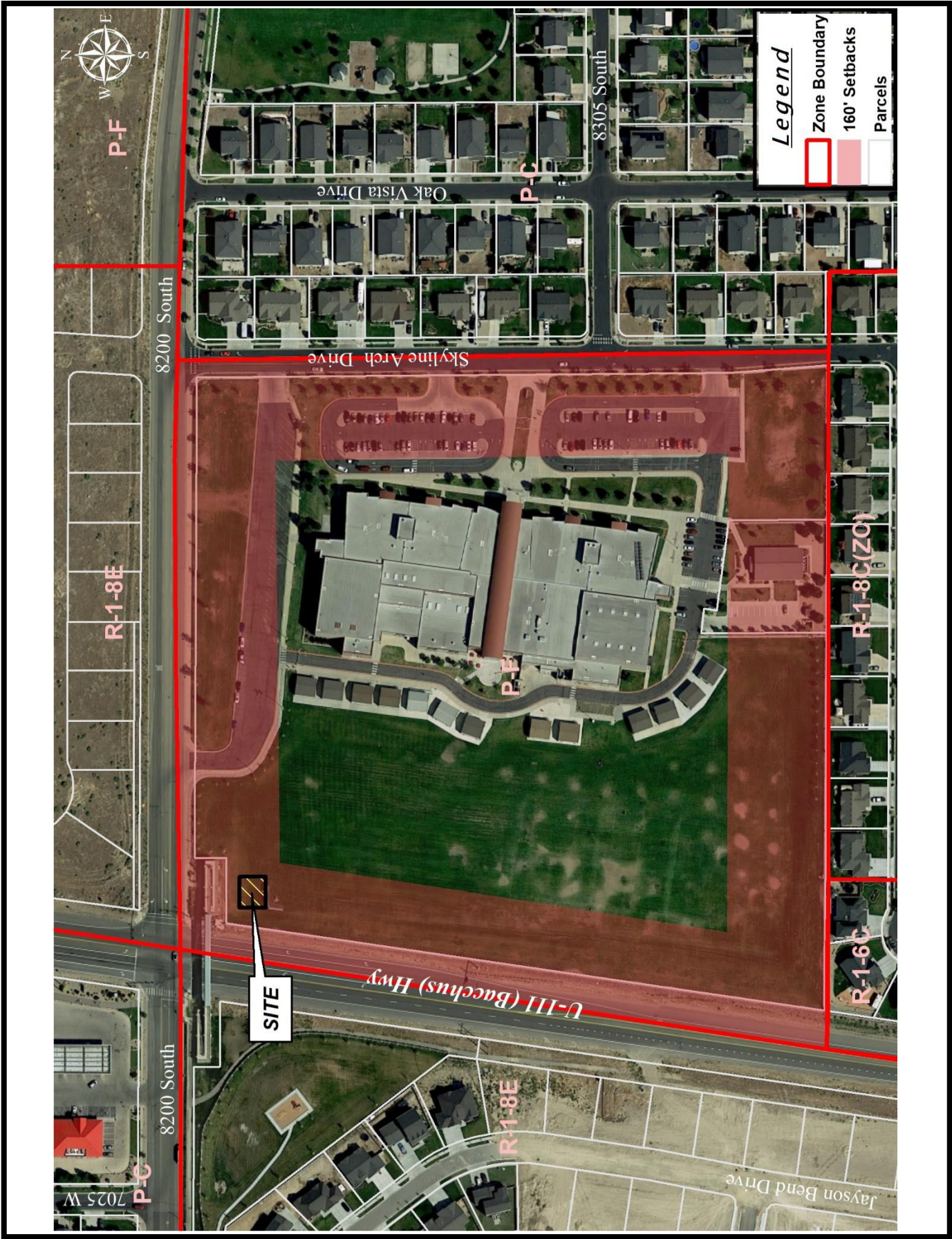
Aerial Map

Exhibit A



Zoning & Future Land Use Map

Exhibit B



Setbacks Map

Exhibit C



Site Plan

Exhibit D

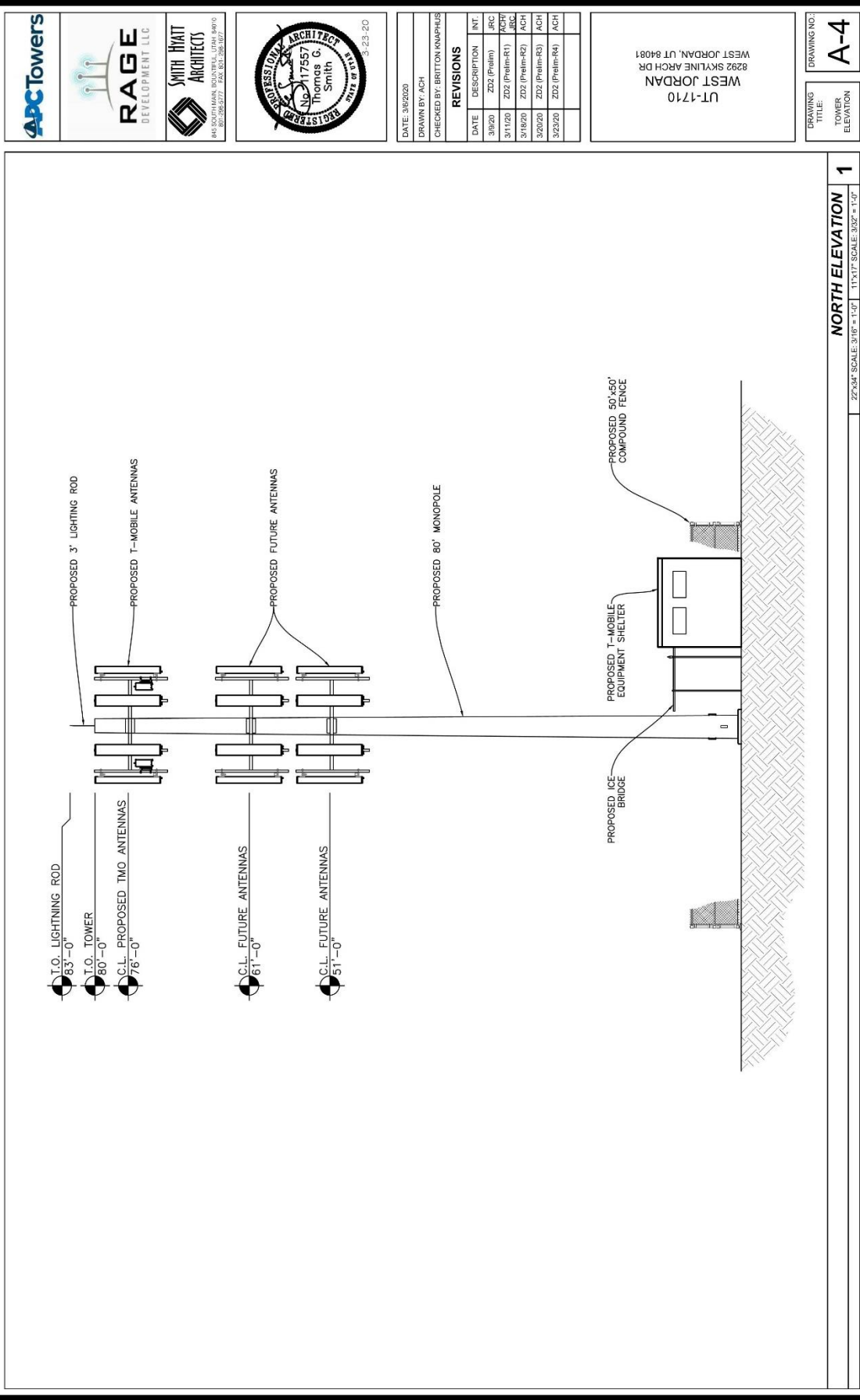


Exhibit E

Elevations